

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TEXAS MEDICAL SUPPLY LLC,	:	
JAD SHRAIM, OMARI SHAFRAN,	:	CIVIL ACTION
DIMITRI MENIN	:	
	:	NO. 22-59
v.	:	
	:	
AVRUMI LUBIN	:	

**ORDER**

AND NOW, this 19th day of March, 2024, it having been reported that the above captioned action has been resolved, it is hereby **ORDERED** as follows:<sup>1</sup>

- 1) Pursuant to the provisions of Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, the above captioned case is **DISMISSED** *with prejudice*; and
- 2) Defendant's Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(2), (b)(3), and (b)(6) (ECF No. 10) and Supplemental Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6) (ECF No. 26) are **DENIED** as **MOOT**.
- 3) The Clerk of Court is directed to mark this matter as **CLOSED**.

**IT IS SO ORDERED.**

**BY THE COURT:**

/s/ R. Barclay Surrick  
**R. BARCLAY SURRICK, J.**

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<sup>1</sup> Plaintiffs filed a Notice of Voluntary Dismissal on March 15, 2024. (ECF No. 29.) Defendant had previously moved to dismiss the Complaint for lack of personal jurisdiction, improper venue, failure to state a claim, *res judicata*, and collateral estoppel. (Mot., ECF No. 10-1, at 1-2; Suppl. Mot., ECF No. 26-1, at 1-2.) Defendant alleged that a decision in a related New York state action precluded Plaintiffs' claims. (Suppl. Mot. at 1.) Plaintiffs did not dispute that the New York state decision precluded this action. (Opp'n to Suppl. Mot., ECF No. 27, at 1.) However, they maintained that the Complaint should not be dismissed with prejudice while their appeal of the decision was pending before the Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department, and they requested that we stay this proceeding until the appeal was decided. (*Id.*) However, Plaintiffs never perfected their appeal, and the time to do so has passed. *See* 22 NYCRR §§ 1250.9(a), 1250.10(1). Accordingly, this action is dismissed with prejudice.